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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,470	05/31/2001	Hidenori Yokokura	35.C15431	6870

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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/867,470	YOKOKURA, HIDENORI	
	Examiner	Art Unit	
	Dustin Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 12 – 21 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 12-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not specifically disclose the sending device executes one of a first and second sending process and the first sending process including sending first or second information and the second sending process including third information as recited in independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al.

[US Patent No 6,330,561], in view of Hendren, III [US Patent No 6,353,855].

6. As per claim 12, Cohen discloses the invention substantially as claimed including a network-connectable apparatus, comprising:

a restricting device adapted to restrict access by another apparatus in response to a request by the other apparatus [i.e. the gateway or Internet service provider (ISP) provides access to the data network] [Figure 1; and col 1, lines 20-26];

a detecting device adapted to detect a whether the request from the other apparatus is predetermined request [i.e. if-modified-since request] [col 2, lines 1-8; and col 6, lines 8-11];

a discriminating device adapted to discriminate, based on detection by said detecting device, whether information corresponding to information cached by the other apparatus has been updated [i.e. determine whether it has a valid copy of the requested resource] [201, Figure 1; and col 1, lines 36-45]; and

a sending device which is adapted selectively to execute one of a first and a second sending process based on whether said restricting device has restricted access in response to the request [i.e. server validates the resource and sending a Not Modified response, otherwise the server transmits an OK response with a fresh version of the resource] [col 6, lines 16-28], the first sending process including sending first or second information to the other apparatus in

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accordance with the discrimination by said discrimination device [i.e. Not Modified information] [col 6, lines 16-20].

Cohen does not specifically disclose

the second sending process including sending third information to the other apparatus regardless of whether updating has been discriminated by said discrimination device.

Hendren discloses

the second sending process including sending third information to the other apparatus regardless of whether updating has been discriminated by said discrimination device [i.e. server can supply an error message for display] [col 1, lines 31-34; and col 3, lines 19-31].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Cohen and Hendren because Hendren's teaching of supplying error message for display would provide the status indication to indicate success or failure of the user's request [Hendren, col 1, lines 56-59].

7. As per claim 13, Cohen discloses wherein said discrimination device makes its discrimination in accordance with time information included in the predetermined request [i.e. Last-Modified time] [col 6, lines 16-18].

8. As per claim 14, it is rejected for similar reasons as stated above in claim 12. Furthermore, Hendren discloses wherein the third information is information for describing a screen image which indicates in the other apparatus the reason for the access restriction [i.e. display status description includes text, graphic, video] [Abstract; and col 1, lines 44-col 2,

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lines 4]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Cohen and Hendren because Hendren's teaching of display status description would provide detail description of the error message to user for trouble shooting of networking problem in an easier and quicker manner.

9. As per claim 15, Hendren discloses wherein said judging device makes its judgment in accordance with whether the network-connectable apparatus is under maintenance [i.e. HTTP status code descriptions] [Figures 4 and 5].

10. As per claim 16, it is rejected for similar reasons as stated above in claims 12 and 13.

11. As per claims 17-19, they are rejected for similar reasons as stated above in claims 14 and 15.

12. As per claim 20, it is method claimed of claim 12, it is rejected for similar reasons as stated above in claim 12.

13. As per claim 21, it is method claimed of claims 12 and 13, it is rejected for similar reasons as stated above in claims 12 and 13.

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14. Applicant's arguments with respect to claims 12-21 have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3968. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100